

CITY OF CHICOPEE
CONSERVATION COMMISSION
Minutes of Meeting
April 21, 2021

Pursuant to Mass. General Law Ch. 131, Section 40 and the Chicopee Wetland Ordinance Ch. 272, the Chicopee Conservation Commission held a public hearing on Wednesday, April 21, 2021 at 6:15 PM via video conference (Zoom).

Charles Payne opened the meeting at 6:15 PM and announced that the meeting was being recorded and read the following statement into the meeting record:

In order to ensure and satisfy CDC social distancing guidelines during the Covid-19 Pandemic and pursuant to Governor Baker's March 23, 2020 Order as amended, the City of Chicopee is providing public notice that it will conduct a public hearing utilizing remote collaboration technology in accordance with Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, M.G.L. C. 30A, 18.

Copies of application materials may be requested by phone (413-594-1517) or by emailing Jim Dawson at jdawson@chicopeema.gov.

To view the public hearings please tune to Spectrum Community Access Channel 191 or the ChicopeeTV website at [Facebook.com/ChicopeeTV](https://www.facebook.com/ChicopeeTV) and/or <https://vimeo.com/chicopeetv>

Public comments were received during two timeframes. The first public comment period took place prior to the opening of the public hearing on April 7, 2021. The second public comment period took place following the April 7, 2021 hearing and remained open until April 21, 2021 for continued agenda items and will remain open until May 5, 2021 for new agenda items.

To provide public comments in writing please mail to the Chicopee Conservation Commission, 4th Floor, City Hall Annex, 274 Front St., Chicopee, MA 01013. By email to Jim Dawson at jdawson@chicopeema.gov. or by calling 413-594-1517. All public comments received will be provided to all Commission Members and discussed at either of the above listed meeting dates. All commenting individuals shall state their name, address and company/organizational affiliation in addition to the item(s) that the comments pertain. Comments received up to the April 7, 2021 hearing were entered on that date. Any comments received after April 7, 2021 will be entered at the continued date of the hearing on April 21, 2021 for continued items and will be entered on May 5, 2021 for new agenda items.

Conservation Commission attendance:

Member	Present	Absent	Excused
Celeste Donovan			X
Charles Payne (Zoom)	X		
Sharon Balcom (Zoom)	X		
Meghan Balakier (Zoom)	X		
Richard Valcourt (Zoom)	X		
Brian Nunes (Zoom)	X		

Planning/Conservation Staff attendance:

Member	Present	Absent	Excused
Lee Pouliot, Director (Zoom)	X		
James Dawson, Development Manager (Zoom)	X		
Patrick McKenna, Assistant Planner			X
Nathan Moreau, Associate Planner			X

Item 1: (New) RDA for construction of retaining walls, concrete patio, wooden steps and installation of fencing. Work will occur within 100' Wetland Buffer Zone and 100' Buffer to Terrace Escarpment Soils. Location: 56 Fletcher Circle, Chicopee, MA 01020. Applicant: Kristen Pope, same address.

Notes: Applicant Kristen Pope explained the RDA noting the work proposed to be completed in her back yard. Commissioners had a couple of questions with regard to the specifics of the project. Staff noted there had been one informational inquiry about the RDA. Due to Covid-19 meeting regulations the Commission voted to continue the hearing on this item to May 5, 2021 to allow for an adequate public comment period.

Motion to continue to May 5, 2021 was made by Richard Valcourt and seconded by Meghan Balakier. Vote was 5-0 to continue to May 5, 2021.

Member	Approve	Deny	Continue	Abstain
Charles Payne			X	
Sharon Balcom			X	
Meghan Balakier			X	
Richard Valcourt			X	
Brian Nunes			X	

Item 2: (New) RDA for the reconstruction and expansion of municipal parking lot and conversion of a separate parking area to recreational green/open space. Location: Front St. Assessor Map 97, Parcels 34, 35, 36, 52 and 53. Applicant: Chicopee Department of Planning & Development and Conservation, c/o Lee Pouliot. 274 Front St. Chicopee, MA 01013

Notes: Lee Pouliot explained the RDA to the Commission and provided a verbal description of the project. Mr. Pouliot noted the reason for the RDA is due to the fact that the canal, even though it is a man-made structure, is considered an intermittent stream under the Wetlands Protection Act and thus has a 100' buffer zone associated with it. Mr. Pouliot also explained that the overall impervious surface would be reduced since the parking area across Front Street from the City Hall would be converted to mainly green space. Due to Covid-19 meeting regulations the Commission voted to continue the hearing on this item to May 5, 2021 to allow for an adequate public comment period.

Motion to continue to May 5, 2021 was made by Richard Valcourt and seconded by Sharon Balcom. Vote was 5-0 to continue to May 5, 2021.

Member	Approve	Deny	Continue	Abstain
Charles Payne			X	
Sharon Balcom			X	
Meghan Balakier			X	
Richard Valcourt			X	
Brian Nunes			X	

Item 3: (Cont. from April 7, 2021) RDA for verification that wetland boundaries are accurately delineated. Location: Pan Am Railways Rights of Way. Applicant: Pan Am Railways, Inc., Bill Wallace, Chief Engineer of Track & Structures, 1700 Iron Horse Park, North Billerica, MA 01862

Notes: Keith Morris was in attendance via Zoom to represent Pan Am Railways. Mr. Morris provided a brief overview of his presentation from the previous hearing and answered any Commissioners questions. Staff noted there were no public comments on the issue.

Motion to issue a Positive 2A Determination was made by Meghan Balakier and seconded by Richard Valcourt. Vote was 5-0 to issue a Positive 2A Determination acknowledging the delineations as accurate.

Member	Approve	Deny	Continue	Abstain
Charles Payne	X			
Sharon Balcom	X			
Meghan Balakier	X			
Richard Valcourt	X			
Brian Nunes	X			

Item 4: (Cont. from April 7, 2021) NOI for Chicopee Reservoir Annual Drawdown and Vegetation Management Project. Work will include removal of vegetation within 20' of the reservoir dam and for a five year authorization of the annual drawdown of the reservoir for maintenance purposes. Work will occur within Inland Bank, Bordering Vegetated Wetland, Land Under Waterways and Waterbodies, Riverfront Area and Buffer Zone. Location: Chicopee Memorial State Park – 570 Burnett Rd., Chicopee, MA 01020. Applicant: Sean Gaffney, Massachusetts DCR, 1048 North Rd., Westfield, MA 01085

Notes: The Applicant requested the Commission continue the hearing on this item to May 5, 2021

Motion to continue to May 5, 2021 was made by Sharon Balcom and seconded by Meghan Balakier. Vote was 5-0 to continue to May 5, 2021.

Member	Approve	Deny	Continue	Abstain
Charles Payne			X	
Sharon Balcom			X	
Meghan Balakier			X	
Richard Valcourt			X	
Brian Nunes			X	

Item 5: Minutes from April 7, 2021

Motion to approve was made by Sharon Balcom and seconded by Richard Valcourt. Vote was 5-0 to approve.

Member	Approve	Deny	Continue	Abstain
Charles Payne	X			
Sharon Balcom	X			
Meghan Balakier	X			
Richard Valcourt	X			
Brian Nunes	X			

Item 6: Sign Bills – Staff noted there was one bills to sign.

Item 7: Upcoming Projects/Discussion

- **Emergency Certification** – Eversource needs to do emergency repairs due to storm damage. Circuit had to be shut down and Cabotville placed on a back-up circuit. – There was no further discussion from the Applicant on this issue. (*Request to date May 3, 2021 as project will take all of the allotted 30 days – Site visit scheduled for April 30, 2021 at 10:00 AM*)
- **Enforcement Order** – 535 East Main Street – Lee will sign and Commissioners will ratify.

Notes: Staff explained the Enforcement Order and noted it had been able to view and photograph the violation from the river. The Commissioners were very concerned about the unstable fill eroding into the river. Since the violation was so egregious the Commission voted to impose fines commencing upon the violators receiving the Enforcement Order (EO) in the amount of \$250 per day from the time the Violator receives the EO to the day he appears before the Commission followed by a \$250 per day fine for each day after he appears before the Commission until he retains a Licensed Engineer or Wetlands Specialist to compile a Restoration Plan for the property.

Motion to impose fines as described above was made by Richard Valcourt and seconded by Brian Nunes. Vote was 5-0 to impose fines in accordance with the Enforcement Order..

Member	Approve	Deny	Continue	Abstain
Charles Payne	X			
Sharon Balcom	X			
Meghan Balakier	X			
Richard Valcourt	X			
Brian Nunes	X			

Item 8: Adjournment – Next scheduled meeting is May 5, 2021

Motion to adjourn was made by Sharon Balcom and seconded by Meghan Balakier. Vote was 5-0 to adjourn.

Member	Approve	Deny	Continue	Abstain
Charles Payne	X			
Sharon Balcom	X			
Meghan Balakier	X			
Richard Valcourt	X			
Brian Nunes	X			

Meeting adjourned at 7:10 PM.